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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/613,180 | 07/03/2003 | Wilfried Bittner | CONC1047(U) | 4894 |

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| EXAMINER | |
|---|---|
| THOMAS, BRANDI N | |
| **ART UNIT** | **PAPER NUMBER** |
| 2873 | |

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/613,180 | BITTNER ET AL. | |
| | Examiner | Art Unit | |
| | Brandi N Thomas | 2873 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *17-24* is/are allowed.

6)☒ Claim(s) *1-8,10-15 and 25* is/are rejected.

7)☒ Claim(s) *9 and 16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: *Detailed Action*.

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4, 10, 13, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmiya (6031997).

Regarding claims 1, 10, and 25, Ohmiya discloses a zoom lens system, comprising: a lens barrel (30) having a light tight circumferential outer surface, said lens barrel including a zoom guide (30b) on the inner circumferential surface of said lens barrel (30) proximal to an image capture plane (figures 4 and 6); a first lens group (31) located in said lens barrel (30) distal from said image capture plane; a second lens group (32), movable independent of said first lens group (col. 7, lines 55-58), a bias member (37e) to engage said second lens group (32) with said zoom guide rib (30b) during movement of said lens barrel (30) (col. 4, lines 3-10 and col. 7, lines 23-37); and said second lens group (32) linearly along optical axis relative to said first lens group (31) upon rotation of said lens barrel (30) (col. 7, lines 55-58) but does not specifically disclose the second lens group slideably engaging said zoom guide rib. However, Ohmiya does disclose

that the second lens group (32) is engaged with key slots on guide key (37), which is turn is engaged with the guide rib (30b) (col. 7, lines 23-24 and 39-44). Therefore, it is obvious to that the second lens group is engaged with the guide rib. Regarding claim 10, Ohmiya further discloses an image capture device housing (20); a lens box (not numbered, shown in figure 5, box outlining the lens barrel (30)) fixed within said image capture device housing (20), said lens box including a plurality of helicoids (27a) located on the inner surface thereof; a zoom lens, a portion of which is located circumferentially within said lens box (figure 5), said zoom lens including a lens barrel (30) having a light tight circumferential outer surface including lens barrel helicoids (30a) on a portion thereof to mate with said lens box helicoids (col. 6, lines 54-60); a drive train including a motor (6), said drive train engaged with said lens barrel to rotate said lens barrel axially and to drive said lens barrel linearly out side said housing (col. 5, lines 38-40).

Regarding claims 4 and 13, Ohmiya discloses a zoom lens system, wherein said lens barrel (30) additionally comprising a pair of guide track shoulders (37) on the inner circumferential surface thereof, said pair of guide track shoulders (37) forming a guide track (37d and 37e) therebetween distal from said film end, and wherein a portion of said first lens group (31) rides in said guide track (col. 6, lines 58-60 and col. 7, lines 23-25).

4. Claims 2, 3, 5, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmiya (6031997) as applied to claim 1 above, and further in view of Wada (US 2002/0054376 A1).

Regarding claims 2 and 11, Ohmiya discloses the claimed invention except that it does not show the profile of the zoom guide rib is contoured in steps. Wada shows that it is known to

provide the profile of the zoom guide rib (1102a) is contoured in steps for adjusting at a predetermined step difference at each predetermined angel around the optical axis (section 0096). Therefore it would have been obvious to someone of ordinary skill in the art at the time the invention was made to combine the device of Ohmiya with the stepped zoom guide rib of Wada for the purpose of adjusting at a predetermined step difference at each predetermined angel around the optical axis (section 0096).

Regarding claims 3 and 12, Wada discloses wherein the profile of said zoom guide rib (1102a) provides at least four discrete zoom lens step positions (section 0096).

Regarding claim 5, Ohmiya discloses said guide track (37d and 37e) coordinated with guide ribs (30b) except for the guide ribs contoured in steps. Wada shows that it is known to provide the profile of the zoom guide rib (1102a) is contoured in steps for adjusting at a predetermined step difference at each predetermined angel around the optical axis (section 0096). Therefore it would have been obvious to someone of ordinary skill in the art at the time the invention was made to combine the device of Ohmiya with the stepped zoom guide rib of Wada for the purpose of adjusting at a predetermined step difference at each predetermined angel around the optical axis (section 0096).

5. Claims 6-8, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmiya (6031997) as applied to claims 1 and 10 above, and further in view of Nomura et al. (US 2002/0036835 A1).

Regarding claims 6 and 14, Ohimya discloses the claimed invention except that it does not show a bias member that includes a spring. Nomura et al. shows that it is known to provide a

bias member that includes a spring for engaging the first and second lens frames in place with respect to each other (section 0161). Therefore it would have been obvious to someone of ordinary skill in the art at the time the invention was made to combine the device of Ohmiya with the bias member of Nomura et al. for the purpose of engaging the first and second lens frames in place with respect to each other (section 0161) (figures 12 and 13).

Regarding claims 7, 8, and 15, Ohmiya discloses the claimed invention except for the spring (62) is located between said first lens group (53) and said second lens group (54). Nomura et al. discloses wherein said spring (62) is located between said first lens group (53) and said second lens group (54) for guiding the second lens group relative to the first lens group (section 0061). Therefore it would have been obvious to someone of ordinary skill in the art at the time the invention was made to combine the device of Ohmiya with the bias member of Nomura et al. for the purpose of guiding the second lens group relative to the first lens group (section 0061) (figures 12 and 13).

### *Allowable Subject Matter*

6. Claims 17-24 are allowed.

7. Claims 9 and 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as

presented in claim(s) 9, 16, and 17-24, wherein the claimed invention comprises a spring being located concentrically around said guide pin between said first lens group and said second lens group; a first planar body edge and a second planer body edge both perpendicular to said front and rear faces, said first and second planar edges being separated on one side by a third edge and on the other side by a fourth edge, said third edge and said fourth edge additionally being perpendicular to said faces, a first retaining arm extending from said rear surface proximal to said first planar edge and curving around to extend substantially parallel to said rear face; a second lens retaining arm extending from said rear surface proximal to said second planar edge and distal from said first planar edge, said second retaining arm extending from said rear face and curving around to substantially extend parallel to said rear face, as claimed.

### *Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uno et al. (5699200) discloses a lens assembly in which the amount of movements of at least one lens unit is achieved by combining the amounts of relative movement of at least two barrels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BNT

BNT
August 16, 2004

R. Mack

RICKY MACK
PRIMARY EXAMINER